

SENATE BILL No. 165

DIGEST OF INTRODUCED BILL

Citations Affected: None (noncode).

Synopsis: Environmental crimes task force. Establishes the environmental crimes task force to study the appropriate class of criminal violation that should be assigned to each type of environmental crime. Requires the task force to file a final report before November 1, 2006.

Effective: Upon passage.

Kenley

January 6, 2004, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 165

A BILL FOR AN ACT concerning environmental law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
2 **SECTION, "task force" refers to the environmental crimes task**
3 **force established under this SECTION.**

4 **(b) There is established the environmental crimes task force.**

5 **(c) The task force consists of the following members:**

6 **(1) Two (2) members of the house of representatives appointed**
7 **by the speaker of the house of representatives. The members**
8 **appointed under this subdivision may not be members of the**
9 **same political party.**

10 **(2) Two (2) members of the senate appointed by the president**
11 **pro tempore of the senate. The members appointed under this**
12 **subdivision may not be members of the same political party.**

13 **(3) Two (2) members appointed by the governor who are**
14 **representatives of local government. The members appointed**
15 **under this subdivision may not be members of the same**
16 **political party.**

17 **(4) Two (2) members appointed by the governor who are**
18 **representatives of environmental interests.**



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(5) Two (2) members appointed by the governor who are representatives of business and industry.

(6) Two (2) members appointed by the governor who are attorneys with expertise in environmental law.

(7) The commissioner of the department of environmental management or the commissioner's designee.

(8) One (1) member appointed by the attorney general.

(9) One (1) member appointed by the prosecuting attorneys council of Indiana who is a representative of prosecuting attorneys.

(10) The director of the law enforcement division of the department of natural resources or the director's designee.

(11) A representative of the Indiana Hardwood Lumbermen's Association appointed by the association.

(12) A representative of the Hoosier Chapter of the Sierra Club appointed by the chapter.

The appointments required under this subsection shall be made before July 1, 2004.

(d) The appointed members of the task force serve at the pleasure of the appointing authority. The appointing authority shall fill any vacancy on the task force within forty-five (45) days.

(e) The chairman of the legislative council shall designate a legislative member of the commission to serve as chairperson of the commission.

(f) The expenses of the task force shall be paid from appropriations made to the legislative council or the legislative services agency.

(g) The task force shall do the following:

(1) Conduct studies necessary to prepare a final report that includes at least the following:

(A) A summary of environmental crime statutes of other states.

(B) A summary of requirements of federal environmental programs delegated to states.

(C) A summary of federal criminal sentencing guidelines.

(D) Recommendations about which environmental law violations should be a misdemeanor, a Class D felony, or a felony of another class.

(E) If determined appropriate by the task force, recommendations for legislation, including a set of specific statutory standards for determining criminal violations.

The task force must consider in its studies the full range of

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1 issues dealing with environmental law.

2 (2) Submit its final report before November 1, 2006, to:

3 (A) the governor;

4 (B) the executive director of the legislative services agency
5 in an electronic format under IC 5-14-6; and

6 (C) the environmental quality service council.

7 (h) The legislative services agency shall provide staff support to
8 the task force.

9 (i) The task force shall operate under the rules of the legislative
10 council.

11 (j) This SECTION expires January 1, 2007.

12 SECTION 2. An emergency is declared for this act.

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